

Message Text

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ACTION IO-14

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OIC-02 EB-08 AID-05 L-03 CIAE-00 INR-10 NSAE-00
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INFO AMEMBASSY LAGOS IMMEDIATE

C O N F I D E N T I A L SECTION 01 OF 02 USUN NEW YORK 01704

E.O. 11652:GDS
TAGS: EGEN, UN, ECOSOC
SUBJECT: ECOSOC GROUP ON CORRUPT PRACTICES

1. SUMMARY. IN INFORMAL CONVERSATIONS WITH SECRETARIAT PERSONNEL AND WITH AFRICAN REPRESENTATIVES USUN HAS BEEN EXPLORING POSSIBILITIES FOR RECONCILING CONTENTIOUS SECTION OF CORRUPT PRACTICES REPORT ON SOUTHERN AFRICA. AFRICAN LINE TOWARD U.S. IS BASICALLY MODERATE AND CONTAINS AN UNDERLYING APPRECIATION FOR U.S. EFFORTS ELSEWHERE WITH REGARD TO SOUTHERN AFRICA. END SUMMARY.

2. NIGERIAN REP (ABUAH) EXPRESSED DISSATISFACTION WITH THE WAY SOUTH AFRICAN ISSUE WAS HANDLED IN APRIL 3-14 CORRUPT PRACTICES MEETING. WHAT AFRICAN GROUP HAD WANTED WAS A SUBSTANTIVE, WORD-BY-WORD DISCUSSION OF OTHER SECTIONS. HE IMPLIED THAT HE SAW SECTION PATED QUESTIONS ON DEFINITION OF ROYALTY, OR ON HOW PARA (I) COULD BE INTERPRETED OR IMPLEMENTED. IN SO DOING, HE SEEMED TO RECOGNIZE PROBLEMS WITH THE PARA. WHAT AFRICAN GROUP ULTIMATELY DESIRES, HE SAID, IS FOR U.S. TO COOPERATE IN A FULL AND FORTHRIGHT DISCUSSION OF THE SECTION, THEREBY INCREASING PRESSURE ON BRITISH TO FOLLOW SUIT. HE READILY ADMITTED THAT IT WAS BASICALLY
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AN INAPPROPRIATE CONTEXT WITHIN WHICH TO RAISE THE SOUTHERN AFRICAN ISSUE, ADDING THAT GEN. OBASANJO HAD BEEN AMUSED BUT PLEASED WITH THE INSERTION OF THE ISSUE IN E/6006 WHEN HE WAS BRIEFED ON IT DURING HIS VISIT HERE IN THE FALL. ABUAH SAID THAT HE WAS DISSATISFIED WITH U.S. STATEMENT ON SOUTHERN AFRICA SECTION WHICH HE HAD INTERPRETED AS A CALL FOR POSTPONEMENT OF

THE DISCUSSION. MISOFF SAID THAT THIS INTERPRETATION WAS UNFORTUNATE AND ARGUED THAT, ON THE CONTRARY, U.S. HAD EXPRESSED WILLINGNESS TO PARTICIPATE IN DISCUSSION OF THIS IMPORTANT ISSUE. DESPITE HIS OWN PRIVATE ADMISSION OF THE FACT, ABUAH ADDED THAT COMMENT BY U.S. DEL IN FORMAL DISCUSSION THAT THIS WAS AN INAPPROPRIATE PLACE TO BRING UP THE ISSUE WAS UNHELPFUL.

3. OBVIOUSLY THE AFRICANS EXPECT NO MAJOR MOVEMENT WITH REGARD TO SOUTHERN AFRICA TO OCCUR IN THIS FORUM, AND THEIR GOAL IS RATHER TO CONTINUE PRESSURE ON ALL FRONTS TO ENCOURAGE NEW POLICY COMMITMENTS IN OTHER U.N. FORA. THERE IS AN OPEN APPRECIATION FOR RECENT INITIATIVES OF THE U.S. WITH REGARD TO SOUTHERN AFRICA, AND USUN HAS THE IMPRESSION THAT AFRICANS PROBABLY DO NOT INTEND TO HOLD THE CORRUPT PRACTICES AGREEMENT AS HOSTAGE FOR FURTHER MOVEMENT ON SOUTHERN AFRICA. RATHER THEY BRING UP III. 5 WITH THE INTENTION OF PROVIDING PUBLICITY FOR THE ISSUE AND APPLYING PRESSURE ON THE MORE RETICENT COUNTRIES, IN PARTICULAR THE U.K.

4. USUN HAS ALSO INFORMALLY DISCUSSED THE MATTER WITH CENTER ON TNC PERSONNEL WHO SEEM TO FEEL THAT WORDS "IN CONTRAVENTION OF UN RESOLUTIONS" COULD BE CHANGED TO "IN CONTRAVENTION OF SECURITY COUNCIL RESOLUTIONS" WITH CONCURRENCE OF AFRICANS. MISOFF EXPLAINED U.S. CONFIDENTIAL

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LEGAL PROBLEMS WITH REQUIRING INFORMATION OF FIRMS OPERATING IN CONTRAVENTION OF U.S. LAW (PARA (II)), WHICH WERE ACCEPTED AS TECHNICAL RATHER THAN PURELY POLITICAL PROBLEMS. INSTEAD, CENTER SUGGESTED THAT IN THAT CASE PARA COULD BE AMENDED TO READ THAT HOME STATES BE OBLIGED TO REQUEST REPORTS ON ACTIVITIES OF TNCs OPERATING IN SOUTHERN AFRICA AND THAT IF COMPANIES THEN REFUSED TO ANSWER THAT THIS REFUSAL BE REPORTED. MISOFF AGREED TO DISCUSS THIS POSSIBILITY BUT REITERATED U.S. PREFERENCE THAT PARA BE DELETED.

5. USUN FEELS THAT AGREEMENT ON III. 5 IS POSSIBLE. PREREQUISITES THOUGH SEEM TO BE INVOLVEMENT IN A FORTHCOMING AND DETAILED DISCUSSION OF THE SECTION AT THE RESUMED SESSION IN JUNE WITH GOALS OF AFRICANS IN MIND (I.E. PUBLICIZING THE PROBLEM, AND APPLYING PRESSURE ON WESTERN COUNTRIES, BUT IN PARTICULAR THE U.K.) IF, TO THIS END, AFRICANS FEEL THAT U.S. HAS PLAYED POSITIVE ROLE IN THE DISCUSSION AND HAS AVOIDED APPEARING DEFENSIVE, USUN BELIEVES THEY WILL ULTIMATELY MODIFY THEIR DEMANDS. IN VIEW OF PRIVATE AFRICAN ADMISSIONS

THAT PARA IS SLOPPILY DRAFTED AND THAT CORRUPT PRACTICES CONVENTION IS NOT THE MOST APPROPRIATE FRAMEWORK FOR TREATMENT OF THIS ISSUE, THERE REMAINS EVEN AN OUTSIDE CHANCE THAT AFRICANS WILL NOT INSIST ON THE PARA. HOWEVER, RESULTS OF U.N. COMMISSION ON TNCS WILL COLOR STANCE AFRICANS TAKE IN CORRUPT PRACTICES GROUP. ULTIMATELY, USUN BELIEVES THAT U.S. SHOULD PARTICIPATE IN DISCUSSION ON III. 5 WITH ULTIMATE GOALS OF AFRICANS IN MIND AND IN THE KNOWLEDGE THAT THE AFRICANS HAVE NO PARTICULAR COMMITMENT TO III. 5 PER SE, BUT RATHER TO THE

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C O N F I D E N T I A L SECTION 02 OF 02 USUN NEW YORK 01704

RESULTS THAT A COMPREHENSIVE DISCUSSION OF IT WOULD HAVE

ELSEWHERE.

6. AMBASSADOR WELLS AND LADD HAVE SCHEDULED A LUNCH WITH ABUAH FOR MAY 1 TO DISCUSS SOUTHERN AFRICAN ISSUES. WE INTEND TO PURSUE POSSIBILITIES FOR RECONCILING THIS PROBLEM AT THAT TIME. ONE OF OUR MAIN INTENTIONS WILL BE TO EXPLORE THE POSSIBILITY OF AN AFRICAN AGREEMENT TO AVOID ULTIMATELY HOLDING UP THE CONVENTION ON THIS POINT. WHETHER THIS WILL AMOUNT TO AN AGREEMENT ON OUR BEHALF TO PARTICIPATE IN DETAILED DISCUSSION IN THE EXPECTATION THAT AFRICANS WILL WITHDRAW OR SUBSTANTIALLY MODIFY SECTION (OR MOVE IT FROM PART A TO PART B OF E/6006), OR WHETHER IT WILL INVOLVE DISCUSSION OF COMPROMISE LANGUAGE IS UNCLEAR. USUN WOULD APPRECIATE ANY GUIDANCE WHICH WE MIGHT USE IN SUCH A DISCUSSION. YOUNG

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